IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

TUESDAY, THE 23RD JANUARY, 2007 /3RD MAGHA, 1928

WA.No. 77 of 2007

(AGAINST THE INTERIM ORDER IN WPC.27868/2006 Dated 25/10/2006)
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APPELLANT/1ST RESPONDENT:

THE SECRETARY, THRIKKAKKARA GRAMA
PANCHAYATH, KAKKANAD.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS/PETITIONER & 2ND RESPONDENT:
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1. BHARTHI AIRTEL LTD.,
FORMERLY KNOWN AS BHARATI TELE VENTURES LTD.,
BHARATI TOWERS, S.A.ROAD, KADAVANTHARA,
KOCHI-20.

2. THE CIRCLE INSPECTOR OF POLICE,
THRIKKAKARA POLICE STATION.

R2 BY GOVT. PLEADER SRI.T.B.HOOD.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON 23/01/2007 DELIVERED THE FOLLOWING:

V.K.BALI,C.J. & M. RAMACHANDRAN, J.

W.A. No. 77 of 2007

Dated this the 23rd day of January, 2007.

J U D G M E N T

Ramachandran, J.

A Grama Panchayath has filed this writ appeal feeling aggrieved about the interim order passed by the learned Judge. The writ petition is pending. Petitioner in the writ petition had been permitted to construct a tower, but at their risk. According to the Standing Counsel, the normal remedy as available to the petitioner was an appeal under Section 276 of the Panchayath Raj Act, and the writ petition was mis-conceived, more so the interlocutory orders as final relief is granted.

2. Learned counsel for the respondents however submits that the obstruction of the Panchayath basically was unsupportable in view of the decision reported in **Reliance Infocom Ltd.** v. **Chemanchery Grama Panchayath** [2006(4) KLT 695] and it was perhaps taking notice of the above that the interim order was passed. At least, in certain circumstances, the parties will be entitled to resort

to the extraordinary remedy of a writ jurisdiction notwithstanding the right to file a statutory appeal. Existence of alternate remedy is not an absolute bar in entertaining the writ petition. We are satisfied that interference is not called for, at this stage.

The writ appeal is dismissed.

V.K.Bali
Chief Justice

M. Ramachandran
Judge

Mbs/